

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4060 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE A.M.KAPADIA

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge? : NO
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DEPUTY CONSERVATOR OF FORESTS

Versus

STATE OF GUJARAT

Appearance:

MR SM MAZGAONKAR for Petitioner
MR MUKESH PATEL AGP for Respondents

CORAM : MR.JUSTICE A.M.KAPADIA

Date of decision: 10/03/2000

ORAL JUDGEMENT

1. In this petition filed under Article 226 of the
Constitution of India, petitioner herein challenges the
charge-sheet dated 18.12.1984 and order dated 14.6.1988
issued by respondent No.2 directing to hold departmental
inquiry against the petitioner.

2. The petitioner who is working as Deputy Conservator of Forest against whom inquiry was ordered to be held on the basis of the charges levelled against him on the accusation of misuse of powers as a Range Forest Officer by imposing less fine against one Vajesingh Adesingh and others from whom 129 logs of teak wood which was a forest produce have been recovered and thereby he has misused the powers as a Range Forest Officer.

3. At the time of issuance of Rule on the petition, interim relief was granted whereby direction was given to the respondents that if the inquiry pending against the petitioner is completed then the respondents will not pass adverse final order against the petitioner without the permission of this Court. The said order was recorded on 25.2.1991. Thereafter the matter was listed for final hearing on 18.2.2000, i.e., after nine years.

4. When the matter was called out, neither learned advocate Mr. Mazgaonkar for the petitioner nor Mr. Patel, learned A.G.P. was in a position to point out as to what has happened to the inquiry pursuant to the order recorded by this Court on 25.2.1991.

5. One thing is certain that on behalf of the respondents so far no permission has been sought for executing any order against the petitioner and hence it is clear that no adverse order has been recorded against the petitioner in the inquiry as in view of the interim relief granted by this Court the respondents could not have executed the order without prior permission of this Court.

6. In view of this, I am of the opinion that this matter has become infructuous which is required to be disposed of by rejecting the same and reserving liberty to apply in case of difficulty by either of the party.

7. In the net result, the petition fails and accordingly it is rejected with no order as to costs. Rule is discharged. Interim relief stands vacated. However, liberty is reserved to both the parties to apply in case of difficulty.

10.3.2000. (A.M. Kapadia, J.)

(karan)